

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-HC-2281-D

SALITO MARQUES GOOD,

Petitioner,

v.

JUSTIN ANDREWS,

Respondent.

ORDER

On November 30, 2015, Salito Marques Good (“Good”) filed a motion for writ of habeas corpus pursuant to 28 U.S.C. § 2241 [D.E. 1]. On September 13, 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) recommending that the court dismiss Good’s petition without prejudice [D.E. 3].¹ Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at


¹ On May 10, 2016 Good filed a habeas petition pursuant to 28 U.S.C. § 2255 in the United States District Court for the Middle District of North Carolina, his sentencing court. United States v. Good, No. 1:04-CR-330-NCT-RAE [D.E. 86] (M.D.N.C. May 10, 2016). There is no substantive difference between the two actions, and Good’s section 2255 action remains pending in that court. See Order and Recommendation, United States v. Good, No. 1:04-CR-330-NCT-RAE [D.E. 96] (M.D.N.C. Nov. 7, 2016).

315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 3].

In sum, the petition is DISMISSED without prejudice, and the court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This 14 day of November 2016.



JAMES C. DEVER III
Chief United States District Judge